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3 **DECISION AND ORDER**
4 **OF THE**
5 **BOARD OF PSYCHOLOGY**

6
7 **DEPARTMENT OF CONSUMER AFFAIRS**

8 The attached Stipulated Surrender of License and Order in case number W251, is hereby
9 adopted as the Decision and Order of the Board of Psychology, Department of Consumer
10 Affairs. An effective date of July 4, 2003 has been assigned to this
11 Decision and Order.
12

13 Made this 4th day of June, 2003.
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17 William Tan
18 President, Board of Psychology
19 Department of Consumer Affairs
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1 BILL LOCKYER, Attorney General
of the State of California
2 JANE ZACK SIMON, State Bar No. 116564
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5544
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF PSYCHOLOGY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. W251

11 **GERALD J. DELOYE, Ph.D.**
4010 #4 House Rd.
12 Eu Claire, WI 54701

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

13 License No. PSY 14053
14

15
16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Thomas S. O'Connor is the Executive Officer of the Board of Psychology,
22 State of California (the "Board.") He brought this action solely in his official capacity and is
23 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Jane
24 Zack Simon, Deputy Attorney General.

25 2. Gerald J. Deloye, Ph.D. ("Respondent") is representing himself in this
26 proceeding.

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1 3. Respondent has received and read the Accusation which is presently on
2 file and pending in case number before the Board, a copy of which is attached as Exhibit A.

3 4. Respondent has carefully read and understands the charges and allegations
4 in Accusation No. W251. Respondent also has carefully read and understands the effects of this
5 Stipulated Surrender of License and Order.

6 5. Respondent is fully aware of his legal rights in this matter, including the
7 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
8 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;
9 the right to present evidence and to testify on his own behalf; the right to the issuance of
10 subpoenas to compel the attendance of witnesses and the production of documents; the right to
11 reconsideration and court review of an adverse decision; and all other rights accorded by the
12 California Administrative Procedure Act and other applicable laws.

13 6. Respondent voluntarily, knowingly, and intelligently waives and gives up
14 each and every right set forth above.

15 7. Respondent agrees that cause exists to discipline his psychology license
16 pursuant to Business and Professions Code sections 141, 2960.6, and 2960(m), based upon the
17 action of the State of Wisconsin Psychology Examining Board. Respondent hereby surrenders
18 his license for the Board's formal acceptance.

19 8. Respondent understands that by signing this stipulation he is enabling the
20 Board of Psychology to issue its order accepting the surrender of license without further process.
21 He understands and agrees that Board staff and counsel for complainant may communicate
22 directly with the Board regarding this stipulation, without notice to or participation by
23 respondent. In the event that this stipulation is rejected for any reason by the Board, it will be of
24 no force or effect for either party. The Board will not be disqualified from further action in this
25 matter by virtue of its consideration of this stipulation.

26 9. Upon acceptance of this stipulation by the Board, respondent understands that
27 he will no longer be permitted to practice as a psychologist in California, and also agrees to
28 surrender and cause to be delivered to the Board both his license and wallet certificate before the

1 effective date of the decision.

2 10. The admissions made by Respondent herein are only for the purposes of
3 this proceeding, or any other proceedings in which the Board of Psychology or other professional
4 licensing agency is involved, and shall not be admissible in any other criminal or civil
5 proceeding.

6 11. Respondent fully understands and agrees that if he ever files an application
7 for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for
8 reinstatement, and respondent must comply with all laws, regulations and procedures for
9 reinstatement of a revoked license in effect at the time the petition is filed.

10 12. Respondent understands that he may not petition for reinstatement as a
11 psychologist for a period of three (3) years from the effective date of his surrender. Information
12 gathered in connection with Accusation number W251 may be considered by the Board in
13 determining whether or not to grant the petition for reinstatement. For the purposes of the
14 reinstatement hearing, the allegations in Accusation number W251 shall be deemed to be
15 admitted by respondent, and respondent waives any and all defenses based on a claim of laches
16 or the statute of limitations.

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DATED: 4/10/03

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Exhibit A

BILL LOCKYER, Attorney General
of the State of California
JANE ZACK SIMON
Deputy Attorney General [SBN 116564]
California Department of Justice
Office of the Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
Telephone: (415) 703-5544
Facsimile: (415) 703-5480

Attorneys for Complainant

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO March 11 2003
BY M. J. Jackmann ANALYST

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

GERALD J. DELOYE, Ph.D.
4010 #4 House Rd.
Eau Claire, WI 54701

License No. PSY 14053

Respondent.

Case No. W251

ACCUSATION

THOMAS S. O'CONNOR, complainant herein, charges and alleges as follows:

1. He is the Executive Officer of the Board of Psychology, State of California (hereinafter referred to as the "Board"), and makes these charges and allegations solely in his official capacity.

2. On or about September 9, 1994, respondent Gerald J. Deloye, Ph.D. (hereinafter referred to as "respondent"), was issued License No. PSY 14053 by the Board of Psychology, authorizing him to practice psychology in the State of California. The license expired on May 31, 2002, and was placed on inactive status on June 1, 1996. The Board has taken no prior disciplinary action against this license.

JURISDICTION

4. This accusation is brought before the Board of Psychology under the authority of the following sections of the California Business and Professions Code (hereinafter "Code") and/or other relevant statutory enactment:

A. Section 2960 of the Code states, in pertinent part, that the Board may suspend, revoke or impose probationary conditions on a licensee for unprofessional conduct, which is defined to include, but not be limited to, any of the following causes:

(m) The suspension, revocation or imposition of probationary conditions by another state or country of a license or certificate to practice psychology or as a psychological assistant issued by that state or country to a person also holding a license or registration issued under this chapter if the act for which the disciplinary action was taken constitutes a violation of this section.

B. Section 141 of the Code provides:

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

C. Section 125.3 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before any board within the Department of Consumer Affairs, the board may request the administrative law judge to direct a licensee found to have committed any violation of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

D. Section 2964.6 of the Code provides that, "[a]n administrative disciplinary decision that imposes terms of probation may include, among other things, a requirement that the licensee who is being placed on probation pay the monetary costs associated

1 with monitoring the probation."

2 5. Respondent is subject to discipline within the meaning of section 141 and
3 is guilty of unprofessional conduct within the meaning of section 2960(m) as more particularly
4 set forth herein below.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Discipline Imposed by Another State)

7 6. On or about June 26, 2002 the State of Wisconsin Psychology Examining
8 Board issued an Order Accepting Voluntary Surrender of License under which respondent's
9 license to practice psychology in Wisconsin was surrendered. The basis for the order was the
10 respondent was unable to comply with a previous order of the Wisconsin Board. Under the
11 previous order, issued in October, 2001, the Wisconsin Board found that respondent had
12 committed acts of unprofessional conduct when he pre-signed various forms for therapists under
13 his supervision attesting that the individuals had completed tasks described in the forms, and had
14 failed to complete the supervision required of him. The Wisconsin Board issued a reprimand at
15 that time, and ordered respondent to complete an educational program.

16 Attached as Exhibit A are true and correct copies of the June 26, 2001
17 Order Accepting Voluntary Surrender of License, a February 26, 2002 Order Extending Time
18 Period for Compliance, and October 18, 2001 Final Decision and Order and an October 2001
19 Stipulation issued by the State of Wisconsin Psychology Examining Board.

20 7. The discipline imposed by the State of Wisconsin Psychology Examining
21 Board constitutes a violation of section 141 and unprofessional conduct within the meaning of
22 Code section 2960(m).

23 **PRAYER**

24 **WHEREFORE**, the complainant requests that the Psychology Board hold a
25 hearing on the matters alleged herein and that following said hearing, issue an order:

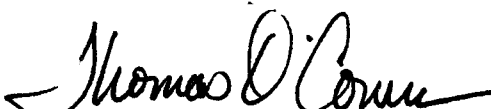
26 1. Suspending or revoking Psychology License No. PSY 14053 heretofore
27 issued to Gerald J. Deloye, Ph.D.;

28 2. Ordering respondent to pay the Board the actual and reasonable costs of

1 the investigation and enforcement of this case; and, if respondent is placed on probation, the
2 costs of probation monitoring; and,

3 3. Taking such other and further action as the Board deems necessary and
4 proper.

5 DATED: March 11, 2003

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8 THOMAS S. O'CONNOR
9 Executive Officer
10 Board of Psychology

11 Complainant
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Exhibit A

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS
AGAINST
GERALD J. DeLOYE, Ph.D.,
RESPONDENT.

: **ORDER ACCEPTING**
: **VOLUNTARY SURRENDER**
: **OF LICENSE**


: Case No. LS-0110183-PSY
:

To: Gerald J. DeLoye, Ph.D.
4010 House Road, Apt. 4
Eau Claire, WI 54701

The Psychology Examining Board having considered Dr. DeLoye's (undated) letter, in which he states that he has been unable to comply with the Board's previous order for completion of continuing education courses, and in which he states his intention of retiring from the practice of psychology and returning his license,

IT IS ORDERED that the voluntary surrender by Gerald J. DeLoye of his license to practice psychology in Wisconsin is hereby accepted.

Dated June 26, 2002.


Barbara A. Van Horne, Ph.D.
Chair, Psychology Examining Board

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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS
AGAINST
GERALD J. DeLOYE, Ph.D.,
RESPONDENT.

ORDER
EXTENDING TIME PERIOD
FOR COMPLIANCE

Case No. LS-0110183-PSY

To: Gerald J. DeLoye, Ph.D.
4010 House Road, Apt. 4
Eau Claire, WI 54701

On February 27, 2002, the Psychology Examining Board considered and approved a request from Dr. DeLoye for approval of continuing education courses, and for an extension of time in which to complete the required credits.

IT IS ORDERED that paragraph 5 of the Final Decision and Order dated October 18, 2001 is hereby modified to permit Dr. DeLoye to complete the required course(s) by April 18, 2002. All other provisions of the Final Decision and Order remain in effect.

Dated February 27, 2002.



Barbara A. Van Horne, Ph.D.
Chair, Psychology Examining Board

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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

GERALD J. DELOYE, PH.D.,
RESPONDENT.

Case No. LS0110183PSY

FINAL DECISION AND ORDER

The parties to this action for the purposes of § 227.53, Stats., are:

Gerald J. DeLoye, Ph.D.
4010 House Road, Apt. 4
Eau Claire, WI 54701

Wisconsin Psychology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

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The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Psychology Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Gerald J. DeLoye, Ph.D., Respondent, date of birth May 5, 1936, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 1899, which was first granted May 11, 1995.

2. Respondent's last address reported to the Department of Regulation and Licensing is 4010 House Road, Apt. 4, Eau Claire, WI 54701.

3. During the events of this matter, Respondent was and is currently the Clinical Director of Lutheran Counseling & Family Services of Wisconsin (LCFS). As Clinical Director, Respondent provides clinical supervision to all masters level therapists employed by LCFS in its branch offices located in Wauwatosa, Shawano, Sheboygan, Wausau, Park Falls and Eau Claire, Wisconsin.

4. Respondent was physically present to provide clinical supervision at the Wauwatosa office approximately one day each month.

5. The clinic and branch offices used printed forms which contained blanks for the therapists to complete after seeing clients. As part of his clinical supervision of master's level therapists, Respondent was to review and sign the forms, after the therapists completed them. These forms included:

a. "Psychosocial History/Assessment," which contained the language "Reviewed, Evaluated and Approved," immediately above the line for the psychologist's signature. By signing this form, a psychologist represents that he has reviewed, evaluated and approved the history and assessment completed by the therapist.

b. "Psychologist Referral," by which the psychologist refers a patient for psychotherapy as required by § HFS 61.97(5), Wis. Adm. Code. By signing this form, a psychologist represents that he has determined that the patient requires psychotherapy.

c. 90-day review forms. § HFS 61.97(3)(b), Wis. Adm. Code, requires supervision and review of patient progress by the supervising psychologist at least at 30-day intervals for patients receiving 2 or more therapy sessions per week and once every 90 days for patients receiving one or less therapy sessions per week. By signing a 90-day review form, a psychologist represents that he has performed the supervision and review on that date and within the required 90-day period.

6. Respondent signed and provided to the therapists at the Wauwatosa office Psychosocial History/Assessment, Psychologist Referral and 90-day review forms, with the blanks incomplete. It was Respondent's expectation that after seeing clients, the therapists would complete the forms, which Respondent had already signed.

7. By pre-signing the forms before the therapists had performed their tasks and recorded the information on the forms, Respondent failed to accomplish the supervision required by the Wisconsin Administrative Code and which the forms represented had occurred.

CONCLUSIONS OF LAW

1. The Psychology Examining Board has jurisdiction over this matter pursuant to § 455.09, Stats.

2. The Wisconsin Psychology Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

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3. Respondent, by providing therapists under his supervision with pre-signed clinical forms, which represented that he had performed tasks required of him by § HFS 61.97, Wis. Adm. Code, which he in fact had not done, has violated laws the circumstances of which substantially relate to the circumstances of the professional practice of psychology, which constitutes unprofessional conduct as defined by § PSY 5.01(5), Wis. Adm. Code, and subjects Respondent to discipline pursuant to § 455.09(1)(g), Stats.

4. Respondent, by providing therapists under his supervision with pre-signed clinical forms, has reported distorted, erroneous, or misleading psychological information, which constitutes unprofessional conduct as defined by § PSY 5.01(7), Wis. Admin. Code, and subjects Respondent to discipline pursuant to § 455.09(1)(g), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Gerald J. DeLoye, Ph.D., is hereby REPRIMANDED for the conduct set out above.

2. Respondent shall not sign clinical forms until the forms have been completed and Respondent has performed the represented tasks.

3. Respondent shall, within one hundred twenty (120) days of the date of this order, take and complete an ethics course or courses on the subject of ethics totaling a minimum of 16 contact hours, which course(s) shall first be approved by the Board or its designee. Respondent shall, within 30 days of completion of such course or courses, provide evidence of compliance with this paragraph to the Department Monitor.

4. Respondent is prohibited from applying any of the 16 hours completed to satisfy the terms of this order toward satisfaction of the continuing education required during the October 1, 2001 through September 30, 2003 registration biennium.

5. If Respondent is unable to take or complete the course or courses required by the preceding paragraph within 120 days because of illness or other circumstances acceptable to the Board or its designee, Respondent shall, within six months of the date of this order, take and complete the required course or courses, which shall first be approved by the Board or its designee. Respondent shall, within 30 days of completion of such course or courses, provide evidence of compliance with this paragraph to the Department Monitor.

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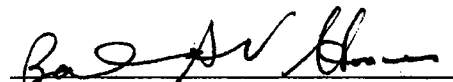
6. Requests for approval of educational programs and notification of completion of educational programs shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation And Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264

7. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license to practice psychology in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 18 day of October, 2001.


Barbara A. Van Horne, Ph.D.
Chairperson
Psychology Examining Board

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LICENSING PROGRAM

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

GERALD J. DELOYE, PH.D., :
RESPONDENT. :

Case No.

STIPULATION

It is hereby stipulated and agreed, by and between Gerald J. DeLoye, Ph.D., Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of pending investigations of Respondent by the Department of Regulation and Licensing, Division of Enforcement on behalf of the Psychology Examining Board (files 00 PSY 044 and 00 PSY 047).

2. Respondent understands that by the signing of this Stipulation Respondent voluntarily and knowingly waives Respondent's rights, including: the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against Respondent; the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena; the right to testify; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of Respondent's right to seek legal representation prior to signing this Stipulation.

4. Respondent admits the allegations in this matter, and agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

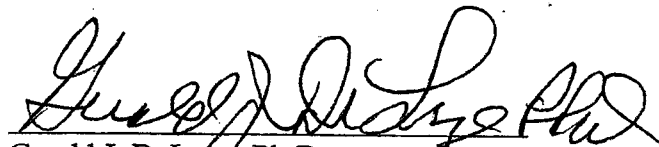
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6. The parties to this Stipulation agree that the Respondent, Respondent's attorney, if any, an attorney for the Division of Enforcement, and the member of the Board who has been appointed as the investigative advisor may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.

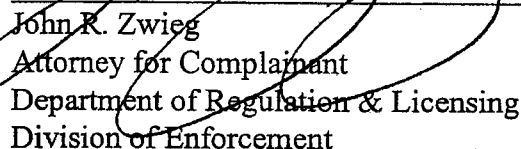
7. The parties agree that the member of the Board who has been appointed as the case advisor may participate in deliberations and vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. The parties agree to waive all costs of the investigation and this proceeding.

Dated this 11 day of October, 2001.


Gerald J. DeLoye, Ph.D.
Respondent

Dated this 3rd day of October, 2001.


John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

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DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation Filed
Against:

Gerald J. DeLoye, Ph.D.

No. : W251

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.


Gerald J. DeLoye, Ph.D.
4010 #4 House Road
Eau Claire, WI 54701

7001 1940 0001 2974 8566

Jane Zack Simon
Deputy Attorney General
455 Golden Gate Avenue, Ste. 11000
San Francisco, CA 94102-7004

Each said envelope was then on, June 4, 2003, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, June 4, 2003, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst